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10/533,139

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Corrado Maggi

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EXAMINER

BELLINGER, JASON R

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

08/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/533,139

Applicant(s)

MAGGI ET AL.

Examiner

Jason R. Bellinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 30-46 is/are pending in the application.
- 4a) Of the above claim(s) 38-42, 44 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-37, 43 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election without traverse of the embodiments shown in Figures 5A-C and 13A-B, in the reply filed on 18 June 2007 is acknowledged.

2. Claims 38-42, and 44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 18 June 2007. It should further be noted that claim 45 has been withdrawn from consideration, given the fact that claim 45 depends from claim 44, which is a non-elected claim.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clamping element being fastened to the wheel rim, as set forth in claim 30, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The disclosure is objected to because of the following informalities: The terms "tyre" and "centre" should be replaced with the terms --tire-- and --center-- throughout the specification. Furthermore, the term "petal(s)" should be replaced with the term --finger(s)-- throughout the specification.

These changes are for grammatical clarity, and to more clearly define the invention using terms common to the art. Appropriate correction is required.

#### ***Claim Objections***

5. Claims 30, 35, and 37 are objected to because of the following informalities: The comma should be removed following the term "elements" in line 2 of claim 30. The comma following the term "wheel" should be removed and the term --and-- inserted in line 3 of claim 30. A colon (:) should be inserted at the end of line 8 of claim 30 following the term "comprises".

The phrase "characterized in that" should be removed from claims 30 and 37, given the fact that this phrase lacks any physical structure of the invention.

The term "petal" should be replaced with the term --finger-- in claim 35.

These changes are for grammatical clarity, and to more clearly define the invention using terms common to the art. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 30-37, 43, and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 is indefinite due to the fact that it is unclear what element of the invention is being referred to by the term "its" in line 6. Furthermore, claim 31 is indefinite due to the fact that it is unclear what is actually being claimed by the limitation that a radial groove is "inside" in line 7. Namely, it is unclear what element of the invention includes an "inside" radial groove.

Claim 34 is indefinite due to the fact that it is unclear which "pin" is being referred to in line 10. Multiple pins have been previously set forth in the claims.

Claim 35 is indefinite due to the fact that it is unclear what element of the invention includes "the bolt".

Claim 43 is indefinite due to the fact that it is unclear what is actually being claimed by the phrase "which blocks".

8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

9. Claim 30 recites the limitations "the free ends", "arms", and "said arms" in lines 3 and 6. There is insufficient antecedent basis for these limitations in the claim. No structure for a central connecting body were previously set forth in the claim.

10. The term "firmly" in claim 31 is a relative term, which renders the claim indefinite. The term "firmly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

11. Claim 32 recites the limitations "the free end" and "said chain" in line 2. There is insufficient antecedent basis for these limitations in the claim. No structure for a chain was previously set forth in the claims.

12. Claim 34 recites the limitations "the inlet mouth portion", said threaded pin", and "the operating knob". There is insufficient antecedent basis for these limitations in the claim. None of this structure was previously set forth in the claims.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 30 and 33-34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Metraux. As best understood, Metraux shows all of the limitations set forth in these claims.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metraux. Metraux does not show a package having the system of claim 30 and including a plurality of different sized sleeves for using the system on wheel having various sized bolts. However, it would have been obvious to one of ordinary skill in the art at the time

of the invention to provide the system of Metraux with differently sized sleeves for use with different sized lug nuts or bolts, for the purpose of allowing the system to be used on a plurality of different vehicles without the need for an operator to have multiple systems for each vehicle.

***Allowable Subject Matter***

17. Claims 31-21, 35, 37, 43, and 46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show traction devices having mounting portions connected to the lug nuts of a wheel. For example, Preusker shows a device as described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger  
Primary Examiner  
Art Unit 3617

A handwritten signature in black ink, appearing to read 'JRB', is written over the printed name and title of the Primary Examiner.